18

1949-50 **File No.** 688/48

P.W DEPARTMENT

E BRANCH (1)

Subject:— Memorials + Representations Instructions for the submission of.

V

B [K] - 1951

File No. 688/48 — E.B (1)

Stn. Sects. Slip 24-A

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 688/48

P.W DEPT.

E BRANCH. (1)

References :—

Date.	To whom sent.	Notes and instructions.

Advance copies of Memorials addressed to Government. Sanding of ..... by Government servants to the Bombay Public Service Commission.

Government of Bombay;
Political and Services Department.
Circular No. 1581/34.
Bombay Castle, 29th March 1942.

CIRCULAR OF GOVERNMENT.

Recently a case came to the notices of Government in which an officer sent an advance copy of his appeal addressed to Government to the Bombay Public Service Commission. This action on the part of the officer concerned was not proper. All Heads of Departments and Heads of Offices under the several Departments of the Secretariat, are, therefore, requested to inform all officers of the Provincial Services under their respective administrative control, disciplinary matters pertaining to whom are within the purview of the Commission, that if they have occations to address appeals or memorials to Government they should not send advance copies thereof to the Public Service Commission.

By order of the Governor of Bombay,
M.D. Bhat,
Chief Secy. to the Govt. of Bombay,
Political and Services Department.

To

The Private Secy. to the Governor,
All Heads of Deptts. and Heads of Offices under the several Departments of the Secretariat.
All Deptts. of the Secretariat (except the Separate Deptt.)

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Copy forwarded with compliments to the Secretary, Bombay, Public Service Commission.

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Copy of Gowernment letter, Political and Services Department No. 2034/34/3812-B, dated the 10th February 1950 to the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.

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Sub:- Quarterly return of petitions and memorials withheld by the Provincial Governments.

"I am directed to refer to the Government of India, Ministry of Home Affairs letter No. 40/5/47-Ests. dated the 16th January 1948, on the abovex subject and to enquire whether in view of the establishment of the Republic of India it is now necessary to submit to the Government of India the quarterly return of petitions and memorials from persons, who were prior to the 26th January 1950 under the rule-making control of the Governmxxtx -- General, withheld by the States Governments under the Petitions and Memorials Instructions."

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Copy of a letter from the Government of India, Ministry of Home Affairs, No. 60/8/50-Ests, dated the 27th February 1950 in reply to the above letter.

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Sub:- Quarterly returns of petitions and memorials withheld by the State (Provincial) Governments.

"With reference to your letter No. 2034/34/3812/B, dated the 10th February 1950 on the above subject, I am directed to say that quarterly returns in respect of petitions and memorials made by officers who are now under the rule making control of the President and which are withheld by the State Governments may continue to be furnished, if there is no objection".

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No. 2034/34/9634-B,
Political and Services Deptt.,
Bombay Castle, 16th March 1950

Forwarded for dnformation and guidance to all Deptts. of the Secretariat (except the Separate Department).

By order of the Govr. of Bombay,
J. CHAVES,
For Ch. Secy. to the Govt. of Bombay, (Poll&S.

Representations from All India
Service officers.

GOVERNMENT OF BOMBAY.
POLITICAL AND SERVICES DEPARTMENT.
CIRCULAR MEMORANDUM NO.3297/34.
BOMBAY CASTLE, 17th APRIL 1950 .

CIRCUIAR MEMORANDUM.

According to the instructions issued by the gGovernment of India it is permissible for officers of the All India Services who submit representations to them to send to them advance copies of their representations. This, however, is likely to cause embarresantations. This, however, is likely to cause embarrassment to the State Government as it often happens that since the original copies of the representations are submitted through the Heads of Departments the State Government is not aware of the representations the Government of India ask about them. The Government of Bombay is therefore pleased to direct that the officers concerned should k sent advance copies of such representations to it also simultaneously with the copies sent to the Government of India.

By order of the Governor of Bombay,
M.D.Bhat,
Chief Secy. to the Govt. of Bombay,
Political and Services Department.

To

The Private Secy. to the Govr.,
The Prothonotary and Senior Master, High Court,
Bombay (by letter),
The Registrar, High Court, Appellate Side,
Bombay (by letter),
The Inspector of General of Police, State of Bombay,Poona,
The Commr. of Police, Bombay,
The Ch. Conservator of Forests, State of Bombay,Poona,
The Chief Engineer, to Government,
All Officers of the All India Services under the administrative control of the Govt. of Bombay,
All Deptts. of the Secretariat (except the Separate Department).

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P.K.M.

PRESS NOTE.

As a sequel to the policy of retrenchment it has become necessary for Government to take all possible steps to curtail the mass of avoidable work in Government Offices. Among other matters the question of treatment of a very large number of applications addressed direct to the Honourable Ministers and Secretaries to Government had been under consideration of Government for some time past. An appeal was made to the public in 1946 to observe the rules governing the preparation and submission of applications to Government. The volume of communications directly received by the Honourable Ministers and the Secretaries has , however, not only not decreased but on ~~xxxxxxxxxx~~ ~~xxxxxxxxx~~ on the contrary has actually increased. A fresh set of rules known as "Rules for preparation, submission and disposal of applications to Government~~x~~ with certain additions and alternations in the original rules has now been issued by Government and published in the Bombay Government Gazette, Part I, dated the 24th August 1950, under notification No. 2034/34, dated the 14th August 1950. Copies of the new Rules in English and in Recognised Regional languages will be available on payment from the Superintendent, Government Printing and Stationery, Bombay. The public are earnestly requested to comply with the new Rules to enable Government to pay adequate attention to genuine representations from the public. Government on its part has issued a comprehensive set of instructions to Departments and offices laying down the procedure and the manner in which the applications should be dealt with so as to do adequate justice to such of them as are prepared and submitted in conformity with the adequate justice to such of them as the prepared and submitted in conformity with---

with the Rules.

2. The public are particularly requested to bear in mind the following points:-

(1) Anonymous and pseudonymous applications will be disregarded.

(2) An application will be disregarded if it is presented by a person manifestly possessing no claim or advancing a claim, of an obviously unsubstantial character or is so belated that is consideration x is clearly impossible.

(3) Every application should be written as concisely as the nature of the case admits of. It should, at the same time, contain all material statements and arguments relied upon by the applicant, be complete in itself and end with a specific request. Government will not entertain an application if it is found to be illegible, unnecessarily prolix or couched in unintelligible, exaggerated, disrespectful or improper terms.

(4) Applications will not be attended to regarding any matters which properly fall within the jurisdiction of courts.

(5) Government will not receive an application on any matter, unless it shall appear that the applicant has already applied to the Chief Local Authority, and, where such exists to the controlling authority. The applications to the Chief Local Authority and to the controlling authority, or copies of them and the answers to, or orders upon, those applications x in original, or copies of them, must be annexed to all applications addressed to Government. The copies required by this rule are not required to be certified copies.

(6) Appdications by telegraph will in most cases violate the ---

the previous rule and will not generally be answered or be attended to.

(7) No notice will be taken by Government and its officers of applications from communal organisations on political matters.

(8) An application should be addressed to only one individual in Government, either the Minister or the Secretary of the Department concerned. If it is found that the application is addressed to different individuals in the same or different departments concerning the same matter, no notice will will be taken of such applications.

(9) Applications for situations in the gift of local or Controlling authorities or for admission into the public service except those received in response to an advertisement, will as a rule, be left unnoticed.

(10) Government will not entertain an appeal from a person in the employment of a Local Board, a municipality, a notified area committee, or a sanitary committee in respect of any action or decision on the part of the authority employing him, affecting the terms of his employment.

This rule does not apply to the employees of School Boards the terms of whose employment are regulated by the Education Department.

(11) Government after passing a final order on an appeal made to them will not notice a second application on the same subject, unless new matter requiring special consideration is introduced.

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(12) The exercise of special revisionary power by Government or any high Officer of Government will be restricted to cases where it is necessary to remedy some figrant irregularity.

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No. 2034/34-B.
Political and Services Department
Bombay Castle, 26th August 1950.

Forwarded with compliments to:-

The Secy. to the Governor,
The Secy. to the Honourable the Chief Minister,
The Director of Publicity, Bombay,
The Oriental Translator to Government,
The Superintendent, Govt. Printing and Stationery, Bombay,
All other Heads of Deptts. and Offices under the several Deptts. of xxxx the Secretariat,
All Personal Assistants to the Honourable Ministers,
All Deptts. of the Secretariat,

2. The Director of Publicity is requested to give wide publicity to the Press Note through newspapers in English and in the recognised regional languages of the State.

3. The Oriental Translator to Government should translate the Press Note into the recognised regional languages of the State and forward the translations to the xx Superintendent, Government Printing and Stationery, Bombay, who should arrange for printing of the same and forward a sufficient number of copies to the Director of Publicity and to the Collectors of Districts.

By order of the Governor of Bombay,
M.D.BHAT,
Ch. Secy. to the Govt. of Bombay,
Political and Services Deptt.

Secy

Copy xx to be sent to P.S. to H.M.P.W.D.

Id/-

11/4

For disposal see serial No. 75296.

Id/-
19/4/50.

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P.K.M.

For further orgs. Pl.see
a.c.P.&S.D.No.2034/34,
dt.10/5/51.
(No.10/42199)
Govt.corresp. P.& S.D.
M.2031/34,dt.25/1/52
(RMC 1052/119350)

Further orders Pl.see
G.C.P.& S.D.No.OFl.
1055 B.dt.24/8/52.
(S.210/122388)

Applications to Government.
Rules for the preparation, submission and disposal of the ---

GOVERNMENT OF BOMBAY.
Political and Services Department.
Resolution No. 2034/34.
Bombay Castle, 14th August 1950.

Resolution. With a view to curtailing avoidable work in the Secretariat and other Government Departments and Offices in general, Government is pleased to prescribe the accompanying rules for the preparation, submission and disposal of applications to Government in supersession of the - se issued with Government Resolution, General Department, No. 5528, dated the 26th July 1913. It should be particularly noted that the words "petition/petions" and 'petitioner/ petitioners' have been replaced by the words 'application/ applications' and 'applicant/applicants' respectively.

2. The Rules should be published in the Bombay Government Gazette in the form of a notification.

3. The Oriental Translator to Government should be requested to arrange for the translation of the rules into the recognised regional languages of the State, viz. Marathi, Gujarati, Kanarse and Hindi(in Devngari Script) and to forward the translation to the Superintendent, Government Printing and Stationery, Bombay, who should arrange for their printing.

4. The Superintendent, Government Printing and Stationery, should be requested to keep in stock a sufficient number of copies of the rules in English and in the recognised regional languages for sale to the public and for supply to offices requiring additional copies .

5.---

5. The Departments ~~of~~ and Offices of Government should observe the instructions strictly with a view to achieving the object of curtailing avoidable work in Government Departments and Offices. Stereotyped replies in respect of applications which need not be attended to, should be cyclostyled or printed in order to reduce the typing work. At the same time whatever applications are required to be attended to, should be dealt with promptly and efficiently and with the fullest possible under standing and sympathy so as to do adequate justice to the applicants.

By order of the Govr.of Bombay,

To be ~~stated~~ stated carefully, for by an Asstts.dealing with appln.copy to be sent to P.S. to H.M.P.
W.D.
Id. 11/4

M.D.BHAT,
Ch.Secy.to the Govt. of Bombay,
Political and Service Deptt.,

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The Secy.to the Govr.,
The Secy. to the Honourable the Chief Minister,
The Director of Publicity, Bombay,
The Oriental Translator to Govt.,
All Collectors,
All Other Heads of Deptts. and Offices under the several Deptts. of the Secretariat.
All Personal Assistants to the Honourable Ministers,
All Deptts. of the Secretariat,
*The Registrar, High Court, (Appellate Side), Bombay,
*The Prothonotary and Senior Master, High Court, Bombay,

*By letter.

No. of 1950.

Copy forwarded for information and guidance to

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P.K.M.

Accompaniment to Government Resolution Political and Services Department, No. 2034/34, dated the 14th August 1950.

Political and Services Department:
Bombay Castle, 14th Aug. 1950.
Notification.

No. 2034/34.- Government is pleased to prescribe the following revised rules for the preparation, submission and disposal of applications to Government in supersession of these published in Government Notification, No. 5528, dated the 26th July 1913:-

Rules for the preparation, submission and disposal of applications to Government.

For the purpose of these rules the term 'Application' shall include all letters or communications containing grievances, complaints, representations, and requests for advice and assistance and which are in the nature of applications, appeals or memorials.

Part I-Instructions to applicants.

1. Applications regarding personal grievances should be accepted only from the persons aggrieved vide Govt. corrign. No. 2034/34 dt. the 25/11/52. (R.G. 1052 + 119350). Applications to Government made by ork through agents will ordinarily be left unnoticed.

2. Applications must either be delivered personally or forwarded through the Post Office. When forwarded through the Post Office postage must be invariably paid.

3(a) Every application should be authenticated by the signature of the applicant (or applicants if it is a joint application). If the applicant is unable to sign, he should authenticate his application by the thumb impression (or thumb impressions in case of a joint application). Anonymous applications will be filed without taking any action thereon.

(b) When a signed application is proved to be pseudonymous

pseudonymous it will be treated in the same manner as an anonymous application.

4. An application will be disregarded if it is presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character or is so belated that its consideration is clearly impossible.

5. Every application to Government should be written as consisely as the nature of the case admits of. It should at the same time contain all material statements and arguments relied upon by the applicant, be complete in itself and end with a specific request. Government will not entertain an application if it is found to be illegible, unnecessarily prolix or couched in unintelligible, exaggerated, disrespectful or improper terms. Such applications will be returned to the parties concerned for amendment.

6. Applications will not be received by Government regarding any matters which form the subject of judicial proceedings in the Courts, or which properly fall within the jurisdiction of the Courts; nor will Government receive applications containing complaints relating to the administration of Civil or Criminal justice, under circumstances which leave other modes of obtaining redress open under the regulations.

7. In the case of private persons appeals in administrative matters ouside the law are not admissible where the person concerned m cannot allege that he has been treated unjustly or has sustained any actual loss, but merely claims some pecuniary or other concession as a matter of grace.

8. Any person having cause of complaint against the proceedings of any Civil Officer of Government is, in the first instance, to seek redress from that Officer's immediate superior--

superior, who, if he declines compliance, is to give the applicant a written endorsement or order, setting forth the grounds upon which the request is refused. If the applicant is dissatisfied with this order, he is at liberty to address the Chief local Authority and eventually the superior civil authority by whom the Chief Local Authority is controlled, or, in the event of there being being no such intermediate controlling authority; Government.

Provided that where the issue turns on a question of fact there shall be only one appeal in respect of the proceedings of any gazetted officer or of a decision in appeal by such an Officer.

9. The preceding rule is not to be interpreted as precluding the Chief Local Authority or controlling authorities from using their discretion regarding the presentation, direct to themselves, of applications and complaints which have not been previously submitted to officers subordinate to them.

10. Government will not however receive an application on any matter, unless it shall appear that the applicant has already applied to the Chief local authority, and, where such exists to the controlling authority. The applications to the Chief local authority and to the controlling authorities, or copies of them and the answers to, or orders upon, these applications, in original, or copies of them, must be annexed to all applications addressed to Government. The copies required by these rules are not required to be certified copies. Applications by telegraph will in most cases violate this rule and will not generally be answered or be attended to .

11...

11. No notice will be taken by Government and its officers of applications from communal organisation on political matters.

12. An application should be addressed to only individual in Government, either the Minister or the Secretary of the Department concerned. If if is found that the application is addressed to different individuals in the same or different Departments concerning the same matter, no notice will be taken of such applications.

13. Applications for situations, in the gift of local of Controlling authorities or for admission into the R public service except those received in response to an advertisement, will as a rule, be left unnoticed.

14. Government will not entertain an appeal from a person in the employment of a local board, a municipality, a ma notified area committee, or a sanitary committee in respect of any action or decision on the part of the authority employing him, affecting the terms of his employment.

This rule does not apply to the employees of School Boards the terms of whose employment are regulated by the Education Department.

15.(a) Applications to Government from persons in the service of Government relating to any matter affecting their official position will not be entertained forwarded through their official superiors. Government serfants who may have occasion to address applications of appeal to the Honourable Ministers may however send an advance copy of the application to the Honourable Minister concerned. Nonethe less a Government servant should not forward an advance copy of an application to the Honourable Minister if his original application is not addressed to the Honourable Minister ---

Honourable Minister but is addressed only to an officer of Government.

(b) Every officer in Civil employ wishing to apply to Government should do so individually.

16. When a Government servant desires to put his case personally before the Minister he should first ask for paxan interview with the Minister concerned through the proper channel and on such permission being granted, he may see the Minister. Heads of Offices and Departments should not withhold such applications for interviews when addressed to the Ministers through them for k this purpose.

17. Government servants who are personally acquainted with the Ministers are free to visit the Ministers without obtaining permission through the usual channel, but it will be expected that during xk such v-is-its no representation will be made regarding official matters in which they are personally concerned.

18. Government servants are not expected to ventilate their grievances through extra-departmental authorities and private bodies or individuals. If applications on official matters from Government servants are received through any channel other than official superiors, they will be returned.

19. No appeal is admissible from a person in the service of Government when the action desired by such person is in the nature of a favour and not of a right or when such person has failed to obtain an appointment to which considerations of seniority are not usually held to apply. When an application of appeal of this nature is received, it will be returned to the applicant with an endorsement referring him to this rule.

20. Government after passing a final order on an appeal made ---

made to it, will not notice a second application on the same subject, unless new matter requiring special consideration is introduced.

21. The exercise of special revisionary power by Government or any high officer of Government will be restricted to cases where it is necessary to remedy some flagrant irregularity.

22. When an application is to be returned as not being drawn up or presented in conformity with the preceding rules, it will be returned with a forwarding letter specifically pointing out which of the rules has been infringed. A copy of the particular rule infringed by the applicant will be attached to the forwarding letter.

Part II-Instructions for the guidance of Government Departments.

23. (a) All applications from private or non-official persons or bodies as well as from officers not in the service of Government which are received direct by a Government department should at once be acknowledged with an intimation that they will be considered.

(b) When a person forwards an application by a messenger with a delivery book or form the entry in the book or form should be signed by the Receipt Clerk so that the person sending the application may be satisfied that the application has been delivered appropriately by the messenger. Formal acknowledgement letters should be issued in such cases also.

(c) When a department which receives an application, the subject matter of which pertains to another department, the department which first receives the application should acknowledge it before transferring it to the Department concerned for disposal, intimating at the same time to the applicant that the application has been transferred to a particular---

particular department and that he should address all further correspondence in the matter to the Department to which his application is transferred. If the applicant continues to address his communications on the same matter to the original department without giving sufficient reasons, such communications should be disregarded.

24. The following classes of applications should not be acknowledged-

(a) Applications by telegrams, other than those on subjects of general public interest received from public bodies or recognized associations.

(b) Applications once acknowledged and returned to the ~~applicants~~ applicants under the rules which are received back after compliance with the Rules.

(c) Applications for situation in the gift of Local or Controlling authority or for admission into public service.

(d) Applications against orders already declared to be final.

25. In the case of applications such as those referred to in the preceding rule no further action will ordinarily be required except in the following cases:-

(a) Applications which deal with subjects which have not been fully considered by Government or upon which no orders have been passed;

(b) Application which recite new facts which were not within ~~the~~ the cognisance of Government when they were first considered or orders were passed thereon;

(c) Applications which relate to specific grievances not brought to the notice of Government before.

26. (a) Applications should be read carefully and dealt with promptly, expeditiously and satisfactory. If delay in their disposal is likely to occur, the applicants should be ---

be informed accordingly and given an indication when a reply can be expected. It should be borne in expect courtesy and care in the disposal of applications for advice and assistance.

(b) All applications should be labelled 'Urgent' by an authority not below the rank of an Assistant Secretary. The Assistant Secretary should himself supervise the disposal of the case at every stage and should see that no avoidable delay occurs. Every application marked 'Urgent' should be submitted by the Branch or section dealing with it within a week of its receipt unless the time is extended by the Assistant Secretary in any particular case.

(c) If any matter requires to be seen and considered by more than one department of the Secretariat the papers should not be tossed for several days or weeks from one department to another, but they should be disposed of within a week ordinarily by discussion between secretaries or Deputy Secretaries. Arrangements should be made for such discussion regularly twice or thrice a week between the departments concerned. The Department dealing with the matter should see that this is done.

(d) If replies are not received promptly from the District Officers such cases should be put up for disciplinary action. The District officers will be held personally responsible for dealy occurring in offices under their control.

27. When an application is received against Government servant from a private individual making definite allegations against him regarding corruption, dishonesty, favouritism, immorality etc. and where some instances likely to lead to a successful enquiry are quoted, only the purport of the complaint should be forwarded for report.

In case it is felt that mere purport of complaint is not likely to help the officer concerned to make an enquiry, a copy of the complaint may be sent, but in that case the name of complainant or any other information which is likely to lead to indentification of the complainant should not be given unless it is considered that the enquiry would suffer in the absence of these details.

28. In case an application is addressed by a person (either an official or a non-official) to Government through a subordinate officer, the officer through whom the application is forwarded should pass it on to Government only if the officer concerned himself is not fully competent to take action thereon.

29. When an application is addressed to Government by a private party either directly or through a subordinate officer of Government the orders of Government on the application should be communicated to the party concerned direct and not through the local officer. The local officer concerned should, of course, be informed separately of the orders passed by Government if the application was received through him.

30. Applications written in a recognised regional language of the State would be replied to in the language in which they are written.

(Applications written in Hindi in Urdu Script should be replied to in Hindi in Devnagari Script).

30. (a) The words "Petition" "Petitioners" should not be used in official business in connection with any communication which is of the nature of an application or memorial.

(b) Applications should not be replied to except in the letter form.

By order of the Govr. of Bombay,
M.D. BHAT,
Ch. Secy. to Govt.

Vide correspondence (gendum)
No.2034/34,dt.24/8/51
p.15 post.

No.2034/34/32930-B.
Political and Services Deptt.,
Bombay Castle, 27th July 1951.

Sub:- Quarterly returns of petitions and memorials withheld by the State Govts.

CIRCULAR.

The attention of the Departments of the Secretariat (except the Separate Department) is invited to Government Endorsement, Political and Services Department No. 2034/34/9534-B, dated the 16th March 1950, and they are informed that with a view to reducing unessential work, the Government of India have since decided that the submission of nil returns of petitions, memorials or appeals addressed to the President and withheld by the State Governments should not be insisted upon. It is accordingly requested that the submission of such returns may be discontinued.

The Government of India have further directed, in supression of previous instructions, that the returns of any petitions, memorials or appeals actually withheld should in future be forwarded to the Ministry of the Government of India administratively concerned with memorialist etc.

By order of the Govr. of Bombay,
S.G.Desai.
For Chief Secy. to the Govt. of Bombay,
Political and Services Department.

To

All Departments of the Secretariat (except the Separate Deptt).

Copy together with a copy of the Government Endorsement under reference, forwarded with compliments for information to the Secy. to the Governor.

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Quarterly returns of petitions and Memorials withheld by the State Governments.

Government of Bombay.
Political and Services Department.
Corrigendum No. 2034/34,
Bombay Castle, 24th August 1951.

CORRIGENDUM.

Political and Services Department Circular bearing File No. 3030/34/32930-B, dated the 27th July 1951 should be read as bearing No. 3034/34/32930-B.

By order of the Govr. of Bombay,
Sd/-

For Chief Secy. to the Govt. of Bombay,
Political and Services Department.

To

All Departments of the Secretariat,

(except the Separate Department),

The Secy. to the Govr. Governor.

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P.K.M.